IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 27646 of 2006(N)

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PETITIONER:

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M.K.SURENDRAN, S/O. KRISHNAN,
VARIYAMKANDIYIL (HO), CHORODE POST,
U.D.CLERK (RTD.), MANIYOOR PANCHAYATH,
VADAKARA.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

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1. ACCOUNTS OFFICER,
K.P.E.P.F.ACCOUNTS,
OFFICE OF THE DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF PANCHAYATH,
CIVIL STATION, KOZHIKODE.

3. SECRETARY,
MANIYOOR PANCHAYATH, MANIYOOR P.O.,
PAYYOLY, VADAKARA.

BY ADV. SRI.I.V.PRAMOD
GOVERNMENT PLEADER SRI BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**V.GIRI, J**

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W.P.(C). 27646/2006

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Dated this the 16th day of November, 2007

**JUDGMENT**

The petitioner retired from Panchayath Service as U.D.Clerk on 31.4.2004. His grievance is regarding the non-disbursal of provident fund due to him. Ext.P1 is the provident fund closure application submitted on 5.12.2004. (though the date shown therein is 5.12.2003). (Learned counsel for the petitioner submits that the same is a typographical error). Apparently the application was found to be defective. The processing of the application is to be undertaken by the second respondent. But it has to be forwarded by the third respondent. In the counter affidavit filed on behalf of the second respondent, it is alleged that the application originally submitted by the petitioner was not in proper form and was not signed by the applicant. According to the second respondent, application and enclosures were returned to the third respondent on 21.8.2004. It seems that thereafter it has not been re-submitted. A reply affidavit has been filed by

the petitioner. He contends that there was a direction to cure the defect, he had complied with the same on getting information from the third respondent. Thereafter, he did not receive any intimation. He submits that subsequently he was directed, as per Ext.P2, to submit a fresh application and this was only for the purpose of making it appear that the petitioner did not submit an application in time.

2. I do not propose to go into the controversy as to whether an application was submitted by the petitioner in time or whether the defects have actually been cured. What is important is that the amount due to the petitioner by way of provident fund be disbursed to him without further delay in as much as he retired from service on 31.4.2004. In the circumstances, this writ petition is disposed of in the following terms.

3. On production of a copy of this judgment along with the copy of the writ petition before the third respondent, he shall forward the provident fund closure application

of the petitioner to the second respondent within one month thereafter. It is made clear that if the third respondent finds any defect in the application, necessary intimation will be given to the petitioner within the said period so that the defects can be cured and the application forwarded to the second respondent within time. On receipt of provident fund closure application form along with the remarks and endorsements of the third respondent, the second respondent shall take appropriate steps to disburse the amount due to the petitioner in accordance with law within a period of one month thereafter.

Writ petition is disposed of as above.

**V.GIRI**
**Judge**

mrcs